

## **DECISION MEMORANDUM**

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
LEGAL  
WORKING FILE**

**FROM: CAROLEE HALL**

**DATE: OCTOBER 3, 2013**

**RE: APPLICATION FOR APPROVAL TO AMEND AN INTERCONNECTION  
AGREEMENT BETWEEN CENTURYLINK QC ("CENTURYLINK") AND  
LEVEL 3 COMMUNICATIONS, LLC. ("LEVEL 3");  
CASE NO. QWE-T-02-8.**

### **BACKGROUND**

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c)." Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.

### **CURRENT APPLICATION**

On September 27, 2013, this Commission received an amendment to the Interconnection Agreement that was originally approved by this Commission on May 22, 2002, in Case No. QWE-T-02-8. Since then there have been a number of amendments submitted and approved.

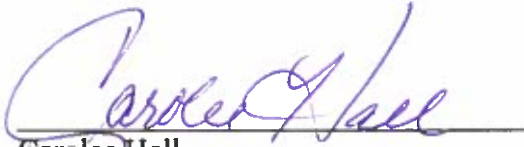
With this filing the companies are seeking approval to add terms and conditions along with Exhibit H (Calculation of the Relative Use Factor (RUF)). According to the parties this Agreement was reached through voluntary negotiations without resort to mediation or arbitration.

#### **STAFF ANALYSIS**

Staff has reviewed the Amended Application and finds that it does not appear to contain any terms or conditions that may be consider discriminatory or contrary to the public interest. Staff believes that the Amended Application is consistent with the pro-competitive policies of this Commission and the Idaho Legislature. Accordingly, Staff believes that the Agreement merits the Commission's approval.

#### **COMMISSION DECISION**

Does the Commission agree?

  
Carolee Hall

i:\udmemos\adopting interconnection agreements\QWE-T-02-08 Qwest and Level 3 Exhibit H RUF